



Medical documents and protected health information subject to this order include but are not limited to the entire medical chart cover to cover (including but not limited to any and all medical and mental health records from any source and any and all correspondence); radiological and ultrasound studies; physical and occupational therapy records and evaluations; diagnostic studies; pathological tissue and slides; social services records; monitoring strips of any kind; billing and payment records; prescriptions; test results and raw testing data; any and all records related to HIV testing, HIV status, AIDS or sexually transmitted diseases; any and all records related to the diagnosis and treatment of mental, alcoholic, drug dependency, or emotional condition; psychiatric and psychotherapy notes. Unless specifically excluded by this Order, all medical and mental health records and protected health information, including psychiatric records, in your possession regarding the person noted above may be produced.

You are further notified, pursuant to federal and state law, that all attorneys of record for either party are hereby authorized and permitted to meet with or speak to you, as health care providers who provided health care services to Kenneth H. Benning, without another attorney or the parties, including plaintiff, being present or participating, provided:

1. You consent to the interview.
2. The attorney has provided notice of their intent to interview you to opposing counsel.

This Order does not require you to meet or speak with any attorney. You have the right to decline an attorney's request to speak or meet with you informally. Said inspection and reproduction may be requested by any attorney of record herein and all clerical fees and expenses shall be paid by the attorney requesting such examination, reproduction or interview.

This Order complies with HIPAA federal standards for privacy of individually identifiable health information, 45 C.F.R. Parts 160 and 164. This Order further allows the

disclosure of (1) information regarding diagnosis of, treatment for and general status relating to HIV and AIDS pursuant to K.S.A. 65-5601 to 5605; and (2) information regarding diagnosis and treatment of mental, alcoholic, drug dependency and emotional condition pursuant to 42 C.F.R. part 2.

This Court further enters a **qualified protective order** consistent with 45 C.F.R. 164.512(e)(1). Specifically, the parties are prohibited from using or disclosing the protected health information of Kenneth H. Benning for any purpose other than this litigation. Further, the parties agree to return to the covered entity or destroy the protected health information (including all copies made) at the end of this litigation.

This Order shall be effective throughout the pendency of this action.

Dated this 25th day of February, 2015.

s/ James P. O'Hara  
U.S. Magistrate Judge